

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

RAMEENA KHAN,

Plaintiff,

v.

RITE AID CORPORATION, et al.,

Defendants.

Civil Action No. 10-5104 (SDW)

ORDER

December 17, 2010

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE**

This matter comes before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Madeline C. Arleo filed December 2, 2010, regarding Plaintiffs’ motion to voluntarily dismiss the Fair Labor Standard Act (“FLSA”) claim, pursuant to Fed. R. Civ. P. 41(a)(2), and to remand the remaining state law claims to state court (Dkt. Entry No. 6); and upon the application of Defendants Rite Aid Corporation and Rite Aid of New Jersey, Inc. for an award of fees and costs incurred in removing the instant action, pursuant to 28 U.S.C. § 1447(c) and/or Fed. R. Civ. P. 41(a)(2) (Dkt. Entry No. 8); and upon Defendants’ application to remove this action from compulsory arbitration (Dkt. Entry No. 11). No objections to the R&R were filed.

The Court has reviewed the R&R and the briefs and documents on file in this matter. Based on the foregoing, and for good cause shown,

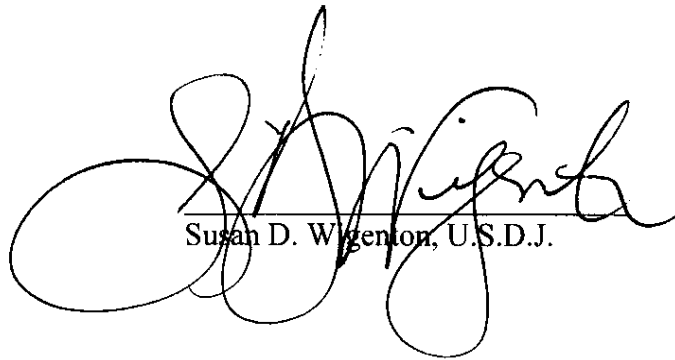
IT IS, on this 17th day of December, 2010,

ORDERED that Plaintiff's motion to voluntarily dismiss the FLSA claim is GRANTED, and the FLSA claim be dismissed with prejudice (Dkt. Entry No. 6); and it is further

ORDERED that Plaintiff's motion to remand the remaining state law claims to the Superior Court of New Jersey, Law Division, Hudson County (Dkt. Entry No. 6), be GRANTED; and it is further

ORDERED that Defendants' application for an award of attorney's fees pursuant to 28 U.S.C. § 1447(c) and/or Fed. R. Civ. P. 41(a)(2) (Dkt. Entry No. 8) be DENIED; and it is further

ORDERED that Defendants' application to remove this action from compulsory arbitration (Dkt. Entry No. 11) be DISMISSED AS MOOT.



Susan D. Wigenton, U.S.D.J.

cc: Clerk of the Court

Magistrate Judge Madeline C. Arleo